

MEMORANDUM OF UNDERSTANDING
among
U.S.D.A. FOREST SERVICE
(Northern, Intermountain and Pacific Northwest Regions)
and
U.S.D.I. BUREAU OF LAND MANAGEMENT
and
IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
concerning:
Coordination of Outfitter and Guide Administration
on National Forest System land and Bureau of Land Management public land
within the State of Idaho

This MEMORANDUM OF UNDERSTANDING is hereby entered into by and between the USDA Forest Service, Regions 1, 4, and 6, hereinafter collectively referred to as the Forest Service, the USDI Bureau of Land Management, State of Idaho, hereinafter referred to as the BLM, and the Idaho Outfitters and Guides Licensing Board, hereinafter referred to as the IOGLB.

A. PURPOSE:

This Memorandum of Understanding (MOU) provides procedures and guidance for coordination and cooperation among the PARTIES on issues involving the administration and operation of outfitters and guides on National Forest System land and BLM public land (federal land) within the State of Idaho. The objective of this MOU is to establish an administrative framework for the purpose of coordinating respective permit and license procedures between the Forest Service, BLM, and the IOGLB.

Authority

- Economy Act of June 30, 1932.
- Federal Land Policy and Management Act of 1976 (43 USC 1737).
- Idaho Code (Title 36, Chapter 21, Sec. 67-2328, et seq)

B. STATEMENT OF MUTUAL BENEFIT

The Forest Service and Bureau of Land Management have responsibility to provide a variety of public recreation opportunities on Federal lands in the State of Idaho. The Forest Service and BLM permit commercial outfitters and guides to assist them in providing opportunities to visitors who choose to recreate with an outfitter. The Idaho Outfitters and Guides Licensing Board provides state licenses to commercial outfitters and guides in the State of Idaho.

To achieve better management of the outfitter and guide program while improving the service that outfitters provide to the public, the parties agree that it is to their mutual benefit and interest to work cooperatively to license, permit, and administer outfitter and guide operations on Federal lands within the State of Idaho.

C. FOREST SERVICE AND BLM SHALL:

1. Accommodate residents and nonresidents alike in the use and enjoyment of Idaho's mountains, rivers, streams, fish and game, and the scenic and recreational opportunities such resources provide for the American people, present and future.
2. Recognize outfitting and guiding as a viable Idaho industry deserving full consideration in the planning process and to unify, so far as feasible, Agency policy and procedures governing the outfitting and guiding industry on all federal land administered by the Agencies in Idaho.
3. Recognize the IOGLB as the Idaho state agency responsible for the administration of the Idaho Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code) and the Rules promulgated under that Act. Technical terms used in this MOU refer to definitions in IOGLB Rules.
4. Communicate with the IOGLB relating to the approval or denial of application for commercial outfitter and guide activities within an Agency's boundaries.
5. Inform and discuss with the IOGLB, problems relating to the occupancy and use of public land by licensed outfitters including any permitted activities that have been suspended or revoked.
6. Assist the IOGLB in enforcement of Idaho law governing outfitting and guiding by reporting complaints, violations or unsatisfactory performance; advising the IOGLB of any convictions of outfitters or guides for violations of Federal law or regulations; and subject to availability, provide facilities or transportation in support of IOGLB enforcement activities.
7. Provide IOGLB updated lists of agency administrators related to outfitter management by Forest and Ranger District Offices and BLM Field Offices by July 1 of each year.

D. THE IOGLB SHALL:

1. Recognize the Forest Service as the land management agency responsible for administration, management, and use of National Forest System land according to applicable law.
2. Recognize BLM as the land management agency responsible for administration, management, and use of public land according to applicable law.
3. Communicate with the Forest Service and BLM in resolving licensing conflicts relating to the use and administration of National Forest System land and public land, respectively.
4. Notify the Agencies of any licensed activities or areas that have been suspended or revoked.
5. Notify the Agencies of proposed changes in rules, regulations, licensing procedures and policies of the IOGLB, before public notification, when Forest Service or BLM is involved.
6. Communicate with the Agencies in adjusting outfitter operations to ensure resource protection and management.
7. Assist the Agencies in enforcement of federal law and regulations governing outfitting and guiding by reporting violations or unsatisfactory performance, and to advise the Agencies of any convictions of outfitter and guides for violations of Title 36, Chapter 21, Idaho Code.

E. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. The principal contacts for this instrument are:

Forest Service Project Contact	BLM Contact
Chris Ryan, Outfitter and Guide Program Leader USDA Forest Service, Northern Region P.O. Box 7669 Missoula, MT 59807 Phone: (406) 329-3522 FAX: (406) 329-3132 Email: cryan@fs.fed.us	Kay Schiepan, State Recreation Planner BLM, Idaho State Office 1387 South Vinnell Way Boise, ID 83709 Phone: (208) 373-3825 FAX: (208) 373-3805 Email: kay_schiepan@blm.gov
Additional Forest Service Contacts	IOGLB Contact
Randy Welsh, Wilderness Specialist USDA, Forest Service, Intermountain Region 324 25 th St. Ogden, UT 84401 Phone: (801) 625-5250 FAX: (801) 625-5170 Email: rwelsh@fs.fed.us	Jake Howard, Executive Director IOGLB 1365 N. Orchard, Room 172 Boise, ID 83706 Phone: (208) 327-7380 FAX: (208) 327-7382 Email: jhoward@oglb.state.id.us
Forest Service Contacts Cont.	
Mike Heilman, Recreation Special Uses Program Leader USDA Forest Service, Pacific Northwest Region PO Box 3623 Portland, OR 97208 Phone: (503) 808-2442 Fax: (503) 808-2429 Email: mheilman@fs.fed.us	

2. All Parties shall:

- a. Maintain close cooperation between IOGLB, Forest Service, and BLM personnel with complete interchange of information in matters of mutual interest.
- b. Coordinate the permitting and licensing of activities on federal land for outfitting and guiding purposes by following the guidelines in Exhibits 1 through 4 based on the following procedures:
 - i) Use Exhibit 1 where a sale and transfer are involved, there has been no break in the continuity of the permit or license, and agency analysis indicates continued outfitted operations are appropriate.
 - ii) Use Exhibit 2 for a new outfitter business opportunity on federal land as identified by an individual.
 - iii) Use Exhibit 3 where opportunities identified through Agency planning efforts or by the public expressing a need or desire, indicate a new commercial opportunity is identified where no similar commercial activity was conducted in the past.
 - iv) Use Exhibit 4 where an existing outfitter requests an amendment for a change in operating area or activities, a redistribution of operating area (i.e. boundary adjustment) or business operations.

- v) Issue the license or permit in cases of routine renewal where no change is involved and no compliance problem exists.
- vi) Issue the license or permit only after all parties have agreed as represented by completed Land Manager's Statement.
- c. Not issue a license or permit without making prior contact with the appropriate agency in cases where competitive interest *is* lacking.
- d. Coordinate in cases where competitive interests are evident, the IOGLB's responsibility to license and Forest Service's and BLM's responsibility to permit to ensure that the applicant, to the extent possible, is mutually acceptable to both agencies.
- e. Use Exhibit 5 to administer performance review standards for Forest Service Special Use Permits, BLM Special Recreation Permits, and IOGLB Statutes, Rules and Operating Plans. Further the parties agree to:
 - i) Communicate pending administrative or adverse actions regarding performance issues.
 - ii) Support the appropriate administrative or adverse actions taken by Forest Service, BLM, or IOGLB.
- f. Hold a joint meeting each year, as needed, to discuss MOU changes and other policy matters. IOGLB will initiate the meeting.
- g. Resolve impasses between Forest Service, BLM, and IOGLB in administering the terms of the MOU using the following procedures:
 - i) In the event the IOGLB reaches an impasse with Forest Service or BLM, the IOGLB notifies the responsible officer in writing, and refers the matter to the appropriate Regional Forester or to the BLM State Director.
 - ii) In the event the Forest Service or BLM reaches an impasse with the IOGLB, the Forest Service or BLM notifies the IOGLB Executive Director and Board Chair in writing and refers the matter to the respective Regional Forester or the BLM State Director for forwarding to the Governor of Idaho.

3. ADMINISTRATION

- a.. This MOU supersedes all previous MOUs pertaining to agreements between the Forest Service or BLM and the IOGLB.
- b. Nothing contained in this document limits or affects in any way the authority of the Forest Service or BLM to properly administer and protect federal land, according to the purpose for which the land was reserved or acquired, nor limits or affects the authority of the IOGLB in administering the laws of Idaho.
- c. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the Forest Service, BLM, or IOGLB from participating in similar activities with other public or private agencies, organizations, and individuals.
- d. Specific work project or activities which involve the transfer of funds, services, or property between the parties to this MOU require the execution of separate agreements or contracts, contingent upon the availability of funds.
- e. MODIFICATIONS. Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed. Additions to, deletions from, and amendments to this

agreement may be proposed by any of the parties and become effective upon approval by all parties.

f. TERMINATION. Any of the parties, in writing, may terminate the instrument in whole, or in part, at any time during the life of the MOU.

g. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

h. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service under this instrument is subject to the Freedom of Information Act (U.S.C. 552).

i. COMMENCEMENT/EXPIRATION DATE. This instrument is executed as of the date of the last signature and is effective for 5 (FIVE) years past the date of execution, at which time it will expire unless extended.

The authority and format of this instrument have been reviewed and approved for signature.

Roger Henderson, R1 and Doris Mackey
Grants and Agreement Specialist

1/9/04
Date

In witness whereof, the parties have executed this agreement as of the last date listed below:

U.S.D.A. Forest Service

Lynn Roberts for

11/14/03

Regional Forester, Northern Region

Date

Bert Kulesza for

1/9/04

Regional Forester, Intermountain Region

Date

Mike Ash for

1/16/04

Regional Forester, Pacific Northwest Region

Date

U.S.D.I. BUREAU OF LAND MANAGEMENT

Anna L. Steele

12/23/03

Idaho State Director

Date

IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

C. Wayne Hunsucker

12/1/03

Chairman of The Idaho Outfitters & Guides Licensing Board

Date

Listing of Exhibits and Attachments

Exhibit 1 – Page 7	Sale and Transfer of a licensed and permitted business
Exhibit 2 – Page 9	New outfitting opportunity proposed by an individual
Exhibit 3 – Page 11	New outfitting opportunity proposed by an agency or IOGLB.
Exhibit 4 – Page 13	Guidelines for amending an existing license or permit
Exhibit 5 – Page 15	Outfitter-Guide Performance Rating Guidelines and Rating Form
Attachment 1	Land Manager's Statement
Attachment 2	Preliminary Outfitter Operating Proposal
Attachment 3	Optional Joint Selection Process

EXHIBIT 1:
Guidelines for Issuing
Forest Service (FS) Special Use Permits, or
BLM Special Recreation Permits, and
Idaho Outfitter and Guide Licenses
upon the
Sale and Transfer of the Business

When to use: Where a sale and transfer are involved, there has been no break in the continuity of the permit or license, and agency analysis indicates continued outfitted operations are appropriate.

Estimated processing time : Simple sales and transfer agreements may take three months to complete provided Step 1 is completed in a timely manner. Complex sales and transfers may take additional processing time as described in Step 2.

Step	Action
1	<p>When the IOGLB receives a verbal or written proposal regarding the sale or transfer of a business, or portion of a business, the IOGLB will refer the proponent to the FS or BLM.</p> <p>When the FOREST SERVICE or BLM receives a written proposal (Attachment 2) regarding the sale or transfer of a business, or a portion of a business, the agency will provide a copy of the proposal to IOGLB and will arrange a meeting between the interested parties and the IOGLB.</p> <p>At this time, the seller, the buyer (if identified), FS or BLM and IOGLB will identify any proposed changes to the terms of the license, the FS special use permit or BLM special recreation permit, and the operating plan and will work together to reconcile differences regarding currently licensed and permitted activities and operating areas on federal land.</p>
2	<p>The FS or BLM will indicate by checking the appropriate box in the preliminary section of the Land Manager's Statement (Attachment 1) their intention to consider issuing a FS special use permit or BLM special recreation permit, including proposed changes to permitted activities should the applicant be qualified and submit to IOGLB.</p> <p>Note: If the final proposal involves a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment), the IOGLB, FS, and BLM will follow the process outlined in exhibit 4.</p>
3	<p>The seller submits an IOGLB relinquishment form for the outfitter license to IOGLB and the buyer submits a new outfitter license application or an application for license amendment to IOGLB. The IOGLB will provide a copy to FS or BLM.</p> <p>Concurrently, the seller submits the appropriate agency request for termination to the FS or BLM and the buyer submits a new permit application to FS or BLM. The FS or BLM will provide a copy to IOGLB.</p>
4	<p>The FS or BLM and IOGLB review applications and bonafide documents showing conveyance of a substantial portion of the business assets to determine validity of the sale. This review will verify that the license or permit has no sale value.</p>

5	<p>The FS or BLM will determine the buyer's ability to conduct a financial and technically capable operation and determine whether or not a permit will be issued.</p> <p>The agency will check the appropriate box in the Final section of the Land Manager Statement and submit to IOGLB. (Attachment 1)</p> <p>The IOGLB will determine the buyer's ability to conduct a viable operation and determine whether or not a license will be issued. See IOGLB Rules.</p> <p>The FS or BLM and IOGLB jointly notify the seller and buyer of the results of their determination.</p>
6	<p>If a license/permit is to be issued the following will take place:</p> <p>All required applicant submittals are on file.</p> <p>The IOGLB will issue an Outfitter License.</p> <p>The FS Special Use permit is issued as a temporary or priority permit as determined by the authorized officer. Temporary permits may be reissued as priority use after demonstration of their acceptable performance for a minimum of two years. The issuance of an initial priority permit is a rare occurrence.</p> <p>An annual BLM Special Recreation Permit is issued for one or more years before issuing a multi-year permit. A permit for up to five years with annual validation may be issued after acceptable performance under an annual permit.</p>

EXHIBIT 2:
Guidelines for Issuing
New FS Special Use Permits, or
New BLM Special Recreation Permits, and
New Idaho Outfitter and Guide Licenses

resulting from a new outfitting opportunity proposed by an individual.

When to use: This exhibit is used for a new outfitting business opportunity on federal land as identified by an individual.

Estimated processing time : Generally this process may take 12 to 18 months to complete barring unusual factors.

Step	Action
1	<p>When the IOGLB receives a verbal or written proposal seeking a new outfitting opportunity, the IOGLB will refer the proponent to the FS or BLM.</p> <p>When the FS or BLM receives a written proposal (Attachment 2: Sample operating plan/proposal) seeking a new commercial opportunity, initial screening is completed and a preliminary Land Manager Statement (Attachment 1) will be sent to IOGLB.</p> <p>Typically, individual outfitting proposals on public land initiates the need for competitive application and a public application process. Submission of a proposal does not convey any right to a permit or license.</p>
2	<p>When a proposal with a completed preliminary land manager statement is received by the IOGLB, the IOGLB's Executive Director or designee will contact the agency representative to discuss the process to be used to analyze the specific case if necessary.</p> <p>Notification and agreement on the process should be accomplished within 30 – 60 days of receipt or identification of the opportunity.</p>
3	<p>If the FS or BLM determines that the proposal is not in conformance with law, regulation, policy or management direction, the agencies will notify IOGLB of this determination with the completed final Land Manager's Statement (Attachment 1) with an explanation.</p> <p>If the FS or BLM determines that the proposal is acceptable, the agency will then proceed with initiating the National Environmental Policy Act (NEPA) requirements.</p>
4	<p>The FS and BLM will conduct scoping. Include adjacent outfitters in the scoping effort. Include the IDFG in scoping that potentially affects fish and wildlife resources.</p> <p>The FS or BLM reviews public comments and internal concerns to determine the issues identified. The responsible official will determine the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement). Scoping information and the selected level of environmental analysis will be shared with IOGLB. At a minimum this will include public comments (i.e. IDFG and Outfitters) and internal concerns, if any.</p>

5	<p>The FS or BLM completes the appropriate environmental analysis and the responsible official documents the decision in the appropriate environmental documentation. The FS or BLM conducts any required consultation with regulatory agencies.</p> <ol style="list-style-type: none"> 1) If the analysis determines the proposed activity will not be authorized, the responsible official will offer to meet with the IOGLB to discuss the basis for the decision. The party making the proposal will be formally notified by the IOGLB regarding the environmental analysis decision. 2) If the analysis determines the proposed activity will be authorized, the responsible official notifies the IOGLB of the selected alternative. A joint review session is scheduled, if necessary, to determine the elements of the prospectus.
6	<p>The FS or BLM completes a prospectus package incorporating feedback from IOGLB. The agency provides a final prospectus to the IOGLB. The IOGLB and FS or BLM will work jointly to advertise and solicit applications.</p> <p>The IOGLB initiates the selection process by inviting applications as required by IOGLB Rules. The IOGLB provides applicants with an information packet including all necessary IOGLB and FS or BLM forms and information. Applicants submit an application package to the IOGLB for analysis. The IOGLB provides a copy of each applicant's proposal to the FS or BLM within a reasonable timeframe.</p> <p>Note: Where special circumstances warrant, the IOGLB, FS or BLM may waive the competitive process for the permittee or licensee selection, e.g., purchase contract default, estate settlement, lack of competitive interest, or other special condition.</p>
7	<p>The FS or BLM and IOGLB jointly decide to review the applications either by:</p> <ol style="list-style-type: none"> 1) Independently and concurrently identifying the top 5 applicants. The results are then shared and a consensus is reached to select the final prioritized list of prospective licensees/permittees; or 2) Jointly with the IOGLB following the joint selection process (Attachment 3). <p>The IOGLB conducts a final screening with FS or BLM input to qualify the preferred applicant. The IOGLB identifies the preferred licensee/permittee, whose name is forwarded to the FS or BLM.</p>
8	<p>The FS or BLM completes the final Land Manager's Statement and forwards it to the IOGLB, indicating the intent to issue a permit.</p>
9	<p>The IOGLB issues a license and the FS or BLM issues a FS Special Use Permit or a BLM Special Recreation Permit.</p> <p>The permit and license are issued as soon as all required applicant submittals are on file.</p>

EXHIBIT 3:
Guidelines for Issuing
New FS Special Use Permits, or
New BLM Special Recreation Permits, and
New Idaho Outfitter and Guide Licenses

**resulting in a new outfitting opportunity
proposed by an agency or IOGLB.**

When to use: Where Agency or IOGLB planning identifies a new outfitting opportunity where no similar commercial activity was conducted in the past.

or

Where a break in the continuity of an authorization for an operating business occurs due to a license or permit being vacated, terminated, revoked, abandoned, or due to any other similar circumstance resulting in the need to issue a new permit or license other than the sale of a business or to conduct an operation in an area where an operation had previously been conducted. In such circumstances, the IOGLB, FS, and BLM will closely coordinate the implementation of the "GUIDELINES" to ensure that all special conditions are recognized and taken into account before issuing a new permit or license.

Estimated processing time : Generally this process may take 12 to 18 months to complete barring unusual factors. This time frame may be significantly reduced when it applies to a temporary authorization for a one-time controlled hunt.

Step	Action
1	When a potential new outfitting opportunity is identified by either the agencies or IOGLB, either party notifies the other to discuss the process for analyzing the specific case.
2	<p>If the FS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, the agencies will notify IOGLB of this determination with the completed final Land Manager's Statement (Attachment 1) with an explanation.</p> <p>If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination.</p> <p>If the FS, BLM or IOGLB determines the proposal is acceptable, the agency will then proceed with initiating the National Environmental Policy Act (NEPA) requirements.</p>
3	<p>The FS and BLM will conduct scoping. Include adjacent outfitters in the scoping effort. Include the IDFG in scoping that potentially affects fish and wildlife resources.</p> <p>The FS or BLM reviews public comments and internal concerns to determine the issues identified. The responsible official will determine the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement). Scoping information and the selected level of environmental analysis will be shared with IOGLB. At a minimum this will include public comments (i.e. IDFG and Outfitters) and internal concerns, if any.</p>
4	<p>The FS or BLM completes the appropriate environmental analysis and the responsible official documents the decision in the appropriate environmental documentation. The FS or BLM conducts any required consultation with regulatory agencies.</p> <p>1) If the analysis determines the proposed activity will not be authorized, the responsible official will offer to meet with the IOGLB to discuss the basis for the decision. The party making the</p>

	<p>proposal will be formally notified by the IOGLB regarding the environmental analysis decision.</p> <p>2) If the analysis determines the proposed activity will be authorized, the responsible official notifies the IOGLB of the selected alternative. A joint review session is scheduled, if necessary, to determine the elements of the prospectus.</p>
5	<p>The FS or BLM completes a prospectus package incorporating feedback from IOGLB. The agency provides a final prospectus to the IOGLB. The IOGLB and FS or BLM will work jointly to advertise and solicit applications.</p> <p>The IOGLB initiates the selection process by inviting applications as required by IOGLB Rules. The IOGLB provides applicants with an information packet including all necessary IOGLB and FS or BLM forms and information. Applicants submit an application package to the IOGLB for analysis. The IOGLB provides a copy of each applicant's proposal to the FS or BLM within a reasonable timeframe.</p> <p>Note: Where special circumstances warrant, the IOGLB, FS or BLM may waive the competitive process for the permittee or licensee selection, e.g., purchase contract default, estate settlement, lack of competitive interest, or other special condition.</p>
6	<p>The FS or BLM and IOGLB jointly decide to review the applications either by:</p> <p>1) Independently and concurrently identifying the top 5 applicants. The results are then shared and a consensus is reached to select the final prioritized list of prospective licensees/permittees; or</p> <p>2) Jointly with the IOGLB following the joint selection process (Attachment3).</p> <p>The IOGLB conducts a final screening with FS or BLM input to qualify the preferred applicant. The IOGLB identifies the preferred licensee/permittee, whose name is forwarded to the FS or BLM.</p>
7	<p>The FS or BLM completes the final Land Manager's Statement (Attachment 1) and forwards it to the IOGLB, indicating the intent to issue a permit.</p>
8	<p>The IOGLB issues a license and the FS or BLM issues a FS Special Use Permit or a BLM Special Recreation Permit.</p> <p>The permit and license are issued as soon as all required applicant submittals are on file.</p>

EXHIBIT 4:
Guidelines for Amending
Existing FS Special Use Permits, or
Existing BLM Special Recreation Permits, and
Existing Idaho Outfitter and Guide Licenses, or
One-Time Authorization for a Controlled Hunt

When to use: Where an existing outfitter, agency, or IOGLB requests an amendment for a change in licensed operating area, licensed or permitted activities, business operations, or a redistribution of operating area (i.e. boundary adjustment). This exhibit also applies to incidental amendments and one-time controlled hunts.

Estimated processing time : Generally this process may take 12 to 18 months to complete barring unusual factors.

Step	Action
1	<p>When the IOGLB receives a verbal or written proposal from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment), the applicant will be directed to complete a revised operating plan (Attachment 2: Sample operating plan/proposal) and contact the appropriate agency resource office.</p> <p>When the IOGLB receives a verbal or written proposal from an existing outfitter for an incidental amendment or one-time controlled hunt, the IOGLB will direct the applicant to contact the appropriate agency resource office.</p> <p>When the FS or BLM receives a written proposal from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment), initial screening is completed and a preliminary Land Manager's Statement (Attachment 1) will be sent to IOGLB with the complete proposal.</p> <p>When the FS or BLM receives a written proposal from an existing outfitter for an incidental amendment or one time controlled hunt, initial screening is completed and a preliminary Land Manager's Statement (Attachment 1) will be sent to IOGLB with the complete proposal.</p> <p>Note : Individual amendment proposals from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment) may initiate the need for competitive application and a public application process.</p> <p>Note : If the one-time controlled hunt is requested for additional years or is in a currently nonpermitted/nonlicensed area, refer to Exhibit 3 for a new outfitting opportunity.</p>
2	<p>When a proposal with a completed preliminary Land Manager's Statement (Attachment 1) is received by the IOGLB, the IOGLB's Executive Director or designee will contact the agency representative to discuss the process for analyzing the specific case as necessary.</p> <p>Notification and agreement on the process should generally be accomplished within 30 – 60 days of receipt or identification of the opportunity.</p> <p>Notification and agreement on the process for an incidental amendment or one time controlled hunt should generally be accomplished within 10 - 30 days of receipt or identification of the opportunity.</p>

3	<p>If the FS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, the agencies will notify IOGLB of this determination with the completed final Land Manager's Statement (Attachment 1) with an explanation.</p> <p>If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination.</p> <p>If the FS, BLM or IOGLB determines the proposal is acceptable, the agency will then proceed with initiating the National Environmental Policy Act (NEPA) requirements.</p> <ol style="list-style-type: none"> 1) If the FS, BLM or IOGLB determines the proposal warrants competitive applications, then use steps outlined in Exhibit 2. 2) If the FS, BLM or IOGLB determines that the proposal is non-competitive, then proceed to step 4.
4	<p>The FS and BLM will conduct scoping. Include adjacent outfitters in the scoping effort. Include the IDFG in scoping that potentially affects fish and wildlife resources. The FS or BLM reviews public comments and internal concerns to determine the issues identified. The responsible official will determine the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement). Scoping information and the selected level of environmental analysis will be shared with IOGLB. At a minimum this will include public comments (i.e. IDFG and Outfitters) and internal concerns, if any.</p> <p>Note: Assessments of tag allocations between IOGLB and IDFG will occur during this step.</p>
5	<p>The FS or BLM reviews public comments and internal concerns to determine the issues identified. A decision on the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement) is made by the responsible official. All comments are provided to the IOGLB, if requested.</p>
6	<p>The FS or BLM completes the appropriate environmental analysis and the responsible official documents the decision in the appropriate environmental documentation. The FS or BLM conducts any required consultation with regulatory agencies.</p> <ol style="list-style-type: none"> 1) If the analysis determines the proposed activity will not be authorized, the responsible official will offer to meet with the IOGLB to discuss the basis for the decision. The party making the proposal will be formally notified by the IOGLB regarding the environmental analysis decision. 2) If the analysis determines the proposed activity will be authorized, the responsible official notifies the IOGLB of the selected alternative. A joint review session is scheduled, if necessary, to determine the elements of the prospectus.
7	<p>The FS or BLM completes the final Land Manager's Statement (Attachment 1) and forwards it to the IOGLB, indicating the intent to issue a permit.</p>
8	<p>The IOGLB issues an amended license and the FS or BLM will either issue a new or an amended FS Special Use Permit or a BLM Special Recreation Permit.</p> <p>The permit/amendment and license are issued as soon as all required applicant submittals are on file.</p>

EXHIBIT NO. 5

Outfitter-Guide Performance Rating Guidelines

This performance rating is generally completed annually for each outfitter. It is supported with documentation of performance during the use period, such as camp inspections, letters, or reports.

Rating Categories and Standards

1. Service to Public - This rating is based on the Outfitter or Guide's professional interaction in relation to the permitted activity with clients, other permittees, FS and/or BLM, community, and noncommercial visitors. This includes, but is not limited to, operating in a professional and businesslike manner, providing emergency assistance when appropriate, showing courtesy to other user groups, gaining permission in writing from private landowners for use of their land in conjunction with the permitted operation and providing rates, services, and accommodations to guests as represented. All complaints are evaluated to determine if they are legitimate.

The Idaho Outfitters and Guides Licensing Board (IOGLB) evaluates service and client complaints. The rating in this category is coordinated with the IOGLB according to the current Memorandum of Understanding (MOU) and supporting policy.

2. Compliance with Permit Conditions - The permittee's compliance with all permit clauses and the conditions of other applicable permits is reviewed and an appropriate rating assigned. The review includes analysis of: 1) fee payment, 2) insurance, 3) advertising, 4) Title VI compliance, 5) use records, 6) compliance with laws and regulations, 7) minimum use requirements, 8) accurate and adequate records for audit, 9) third party restrictions, and 10) other permit provisions.
3. Compliance with Agency Operating Plan - All elements of the agency operating plan will be reviewed including such items as: 1) following the itinerary and schedules, 2) party size, 3) actual vs. permitted use, 4) no trace ethic, 5) confirmations or cancellations, 6) adequate and accurate fee information, 7) camp requirements, and 8) other provisions.
4. Equipment - This rating is based on the type and quality of equipment used to ensure a safe trip. Equipment and stock are as advertised, maintained in good, safe condition and adequate for the purpose. Boats, vehicles or aircraft are licensed, identified, and certified when required. Coordination occurs with other agencies, such as the Coast Guard or the IOGLB, as appropriate.
5. Safety - This rating is based on the permittee's safety record and exhibited concern for the safety of guests, employees and the general public. Considerations include review of: 1) handling of emergencies, 2) safety procedures followed, 3) first aid supplies available as required by the State of Idaho Outfitter and Guide Rules, 4) accident record, 5) safety equipment adequacy, availability and use, 6) compliance with safety standards for the activity, and 7) responsible and safe conduct of activities. As appropriate, the permittee coordinates with the Coast Guard or the IOGLB according to the current MOU and supporting policy.
6. Resource Protection - This rating is based on the permittee's use and care of campsites, sanitation procedures for human waste and garbage, protection of cultural resources, compliance with fire regulations, compliance with fish and game regulations, and protection of other natural resources. Since clients are the direct responsibility of the permittee, their actions while on a scheduled trip also influence the rating.
7. Major Incidents - Each major incident involving the conduct of permitted activities is reviewed and rated individually. It is described in detail on attachments to the rating form. Types of incidents which fall into this category include, but are not limited to boating accidents involving one or more boats, injury or death to guests or employees, recurrent or serious violation of fish and game laws and regulations, reckless operation of equipment, confrontations with other users, and other serious violation of permit conditions or law. Agencies will coordinate with the IOGLB according to the current MOU and supporting policy. Major incidents are reported to the IOGLB, Idaho Department of Fish and Game, Coast Guard or other involved cooperating agencies as soon as possible. These agencies are encouraged to cooperate in any investigation and avoid duplication of effort.

Rating System

Process – A rating is assigned to each category based on the permittee's overall performance in relation to the various considerations listed under those categories. A summary rating is assigned, considering the individual category ratings and the respective importance to overall performance.

A probationary or unacceptable rating in any one category does not necessarily require a summary rating of probationary or unacceptable.

The following levels of summary performance are recognized. Agencies may use additional rating categories at their discretion.

- 1) **Acceptable** - Performance is satisfactory and meets at least minimum established standards for the permitted activities. This includes some minor deficiencies that need correction. If these deficiencies persist after notification or are not corrected in a reasonable time period, they may result in a probationary or unacceptable rating. Weak areas needing attention or especially strong areas are documented on the rating form or attachments.
- 2) **Probationary** - Performance is less than acceptable for major incidents applicable to the permitted activity. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law, and does not pose a threat of significant resource damage. However, corrective action by the permittee is mandatory, and continued operation at this level of performance is unacceptable. The basis for the rating is clearly documented on the rating form or attachments.

A permittee who is given a summary performance rating of probationary qualifies for a permit period of not to exceed one year and permits with remaining periods of more than one year are so amended. If a permittee does not take corrective action to bring the operation to an acceptable level within the time period specified by the authorized officer the permit may be suspended or revoked.

- 3) **Unacceptable** - Performance is clearly unacceptable for one or more major incidents applicable to the permitted activity and is not allowed to continue. This level of performance poses a threat to the safety of guests or others, involves a serious violation of law or poses a threat of significant resource damage. The basis for this rating will be clearly documented on the rating forms or attachments.

Failure to obtain necessary licenses or registrations, recurrent or serious violations of fish and game or outfitter and guide laws and regulations or permit requirements in conjunction with permitted activities, failure to pay fees, failure to comply with permit requirements for insurance, failure to meet minimum requirements established for utilization of permit privileges, falsification of records, or utilization of third party agreements will result in an unacceptable rating.

A summary performance rating of unacceptable will result in suspension or revocation of the permit as appropriate to the circumstances as determined by the authorized officer.

The responsible authorized officer notifies the permittee when a probationary or unacceptable summary performance rating is considered and offers the permittee an opportunity to meet with the authorized officer before finalizing the rating. To the extent allowed by law and regulation, ratings are confidential between the agency and the permittee, except that ratings are coordinated as necessary with other responsible regulating state and federal agencies.

The IOGLB advises the appropriate authorized officer when it has information concerning performance that needs to be brought to the agency's attention and could result in an unacceptable or probationary rating. The authorized officer contacts the IOGLB whenever a rating of other than acceptable is anticipated. The responsible authorized officer requests written comments from the IOGLB before issuing a probationary or unacceptable rating.

Appeals – Decisions made by a FS authorized officer are subject to administrative review (appeal) pursuant to 36 CFR 251.80. This appeal must be filed within 45 days of the date of the decision.

Decisions made by a BLM authorized officer are protested to the authorized officer and are appealed to the Interior Board of Land Appeals pursuant to 43 CFR, Part 4. The authorized officer must receive protests within 15 days of the receipt of the decision. The authorized officer must receive appeals within 30 days of receipt of the decision. Within 30 days after filing the notice of appeal with the authorized officer, the appellant must file a complete statement of reasons for the appeal with the Interior Board of Land Appeals and provide a copy to the Regional Solicitor.

Outfitter-Guide Performance Rating Form

Permit Holder:				
National Forest:		District:		
Evaluation Period From:		To:		
Type of Operations:				
Locations:				
Dates of Field Inspections:				
Field Inspectors:				
Camps in Operation During Inspection:	Yes		No	
Holder Representative present during inspections:				
This evaluation is:	Midseason:		Final:	

<p>Checks in the boxes and comments must be based on factual objective information observed by inspectors and/or verified through investigations. Outstanding performances should be noted in comments.</p>	<p>A = Fully Acceptable NI = Needs Improvement U = Unacceptable</p>	<p>NC = Not Checked NA = Not Applicable</p>
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EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
A. SERVICE TO PUBLIC					
1. Rates, service and accommodations provided are represented fairly in advertising and brochures					
2. Holder shows courtesy to non-outfitted public.					
3. Operations properly coordinated with other landowners, if required.					
4. Compliance with requirements of Title VI of the Civil Rights Act.					
5. Clients received educational and interpretive information about the area and its values.					
Comments:					

EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
B. COMPLIANCE WITH PERMIT CONDITIONS					
1. Application, certificate of insurance, signing of permit and payments submitted on time and properly completed.					
2. Use reports submitted accurately and on time.					
3. Compliance with Federal, State, and County laws and regulations as required by permit.					
4. Compliance with other terms and conditions of the permit.					
Comments:					

EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
C. COMPLIANCE WITH OPERATING PLAN					
1. Holder participation in operating plan preparation.					
2. Holder's employees knowledgeable of operating plan contents.					
3. Adherence to operating plan, schedules, itineraries, notification of changes.					
4. Adherence to camp management plans, permitted structures, use of site(s).					
Comments:					

EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
D. EQUIPMENT/LIVESTOCK					
1. Equipment provided as advertised.					
2. Equipment safe and well maintained.					
3. Boats, aircraft, or vehicles licensed or certified when required.					
4. Livestock treated properly and humanely.					
Comments:					

EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
E. SAFETY:					
1. Holder exhibits a concern for health and safety of guests, employees, and general public.					
2. Staff current with first aid and knowledgeable of safety procedures.					
3. Guests receive a safety orientation to the operation.					
Comments:					

EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
F. RESOURCE PROTECTION					
1. Holder uses minimum impact techniques.					
2. Operation neat and orderly.					
3. Compliance with fire regulations, Fish and Game regulations, protection of cultural resources.					
4. Following appropriate procedures for human waste management and garbage.					
5. Protection of threatened and endangered species.					
Comments:					

EVALUATION CATEGORIES	CHECK APPROPRIATE BOX				
	A	NI	U	NC	NA
G. MAJOR INCIDENTS. If Any					
This category relates to handling of unusual incidents, accidents, significant resource damage, serious violation of law, or confrontations. Describe in separate attachments to this form.					
Comments:					

Special efforts worthy of commendation:

Prior performance deficiencies, if any, corrected:

OVERALL RATING:	Acceptable		Probationary		Unacceptable	
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Outfitter-guide licensing Board notified, if required? Date:

Board Comments Attached: YES NO

This performance rating constitutes a decision which is subject to appeal pursuant to Secretary of Agriculture regulation 36 CFR 251, Subpart C. Any such appeal and a statement of reasons must be submitted within 45 days of the date of this rating to the Forest Service Official next higher to the authorized officer.

Signatures:

Authorized Officer:		Date:	
Title:			
Permit Holder:		Date:	
Title:			

Holders Comments:

The permit holder's signature acknowledges receipt and review of the rating, not necessarily agreement. Ratings are confidential between the Forest Service and the holder to the extent allowed by law and regulation.

Attachment 1
STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING IOGLB
1365 North Orchard – Room 172 – Boise, Idaho 83706
Telephone (208) 327-7380 - Fax (208) 327-7382

LAND MANAGER'S STATEMENT
PLEASE TYPE OR PRINT ALL INFORMATION

Applicant and/or Outfitter's Name: _____
(signature required at bottom of page)

dba: _____ License #: _____

Address: _____

Action(s) requested: _____

Ranger District (FS) _____ Forest _____

Field Office (BLM) _____ BLM District _____

Other _____

Agency Contact Name: _____

☐ This is a multi-office proposal. I have coordinated with the other affected Land Manager(s). (List contacts on reverse)

☐ **Sale or Transfer of Business**

☐ **New Opportunity**

☐ **Amendment**

☐ **PRELIMINARY**

- ☐ The undersigned has received a preliminary proposal for a Special Use Permit/Special Recreation Permit. The issuance of a permit for the actions requested will be considered by the agency.
- ☐ The undersigned has received a preliminary proposal for a Special Use Permit/Special Recreation Permit. Further research and/or analysis is needed. Recommendations regarding this preliminary proposal will be submitted to IOGLB by _____ (date).

☐ **FINAL**

- ☐ The undersigned has reviewed the proposal and/or completed the required analysis and will issue a permit upon licensure by IOGLB. This initiates the State License Process.
- ☐ The undersigned has reviewed the proposal and/or completed the required analysis for a Special Use Permit/Special Recreation Permit. The issuance of a permit for the actions requested has been considered and will NOT be issued. (Attach Decision Documentation)

Print Name of Land Manager

Address

Phone

Date

Signature of Land Manager

Comments:

[illegible]**OUTFITTER/APPLICANT'S SIGNATURE**

Signature of Applicant Date

List of additional Land Manager(s) contacts:

ATTACHMENT 2:
PRELIMINARY OUTFITTER OPERATING PROPOSAL

All new outfitters are required to submit a detailed operating plan with their license application in sufficient detail to identify how they propose to conduct their outfitting business.

This preliminary proposal enables the IOGLB and permitting federal agencies to evaluate the outfitter's intended operation and business procedures.

As a minimum the operating proposal shall include the following:

- A list of the activities to be conducted in the operating area(s) requested.
- A detailed map showing the operating area(s) requested for each activity and a description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range).
- An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points but need not send maps.
- A detailed description of how and when each operating area(s) will be used for each activity.
- The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s).
- A list of the names and locations of camps that will be used for each activity, and whether on public or private land.
- A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business.
- The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation.
- A plan to assure the safety and provide for emergency medical care of guests.

Attachment 3: Optional Joint Selection Process

IOGLB and FS: Joint Prospectus Applicant Selection Process and Evaluation Procedure for Outfitting Opportunities Prospectus

Overview

The evaluation of applications will be conducted by a joint agency selection panel consisting of approximately equal numbers of persons from the IOGLB and the Agency. This panel will evaluate prospectus Items 1 through 6. If needed, only Agency personnel will evaluate item 7.

Preliminary Evaluation

- Determines application acceptance
 1. Application should have been received by closing date and time.
 2. Application should be complete and include all required forms. Incomplete applications or statements of interest submitted by prospective applicants may be given secondary consideration.

Beginning the Evaluation Process

1. Applications will be evaluated by Item (not by applicant).
2. Use evaluation criteria checklist, provided by each applicant, to sort applications by Item Number, and note any priorities for award that may be noted.

Criteria Evaluation

After preliminary evaluations to determine application acceptance or disqualification, the evaluation process will use a 10-point system (10 being the best, and 1 the worst). This point system is further described below. This system will be used to evaluate each opportunity (i.e. prospectus item number) using the first six selection and award items listed on pages 9 and 10 of the prospectus. These include:

1. Financial Ability

- Evaluate using information provided on IOGLB form OG-8 (financial statement)
 - Cash Assets
 - Real estate/equipment
 - Proposed leases, etc.

2. Outfitting And/Or Vendor Experience

- Evaluate using information provided on applicable IOGLB application form
 - Presently licensed
 - Previous experience
 - Does outfitter have adequate knowledge of the area's terrain, how it is accessed and the areas resources
 - References: telephones calls may be used to check these

3. Quality Of Public Service

This criteria encompasses the evaluation of the proposed operating plan

- Evaluate using information provided on applicable IOGLB application form
 - References
 - Evaluate the applicant's previous record taking into consideration past agency actions, citations and/or other legal actions, if applicable
 - Consider any pending license requests for the area and their effect on providing quality services in the area (i.e. consider area capacity as related to quality of service).
- Evaluate using information provided on IOGLB form OG-7 (outfitter's operating plan)
 - Section 7: Safety
- Evaluate using information found in supplemental criteria forms
 - Proposed Service Calendar
 - Quality of Service; does the outfitter have adequate knowledge of the areas resources and capacity for providing quality service
 - Managing Natural and Cultural Resource Impacts
 - Interpretation and Education
 - Camp Operations and Biking/Hiking Operations where applicable

4. Marketing Ability

- Evaluate using information provided on IOGLB form OG-7 (outfitter's operating plan)
 - Section: Proposed marketing idea

5. Availability Of Equipment And Facilities

- Evaluate using information provided on IOGLB form OG-7 (outfitter's operating plan)
 - Sections 5 and 6
- Evaluate using information found in supplemental criteria forms
 - Proposed Service Calendar
 - Equipment and Staff

6. Optional – Either IOGLB or the agency may include evaluation specific to the opportunity and/or outfitting area.

The above evaluation criteria will all be weighted equal in the evaluation process

7. Optional and as needed – This criteria, Fee Payment, as listed on page 10 will use the same 10 point system, but will only be used as an evaluation criteria in the event that 2 or more proposals are being closely considered for award. This evaluation criterion will be essentially used as a "tie-breaker". The fee information for each opportunity submitted by an applicant, as found in the supplemental criteria forms, will remain sealed until criteria 1 through 6 are thoroughly evaluated

CLARIFICATION OF EVALUATION CRITERIA INFORMATION

Telephone calls may be made to applicants to clarify information only. Applicants may not be asked to provide additional information unless all applicants are provided the same opportunity.

TEN POINT EVALUATION SYSTEM FOR CRITERIA EVALUATION

Point Range	Point Definitions
0-2	Inadequate
3-4	Questionable
5	Marginally adequate-meets the basic requirements
6-8	Comfortably adequate-exceeds the norm
9	Exceptional
10	Outstanding

Committee Process

- Evaluate all applications submitted for a given Item Number at the same time
- Each committee member will use the 10-point system to individually evaluate each application, and provide a rating for each of the criteria except for the Optional and as needed criteria, using the attached, Item Evaluation Form. These individual ratings will not be retained as part of the permanent selection file.
- After all committee members have evaluated all criteria for each application, a committee rating for each of the criteria will be established. This could be done by using the average of the individual ratings; or through discussion to arrive at consensus. However, if disparate ratings exist it may be necessary for the committee members to discuss and/or clarify applicant information to arrive at a committee rating.
- Using the committee rating for all criteria, determine an overall applicant rating for the item being evaluated. Again, this may involve discussion leading to consensus. This overall group rating will be retained as part of the permanent selection file.

Determining Successful Applicants

- Determine the successful applicant for each Item being awarded by comparing the overall applicant rating for that item.
- For any Item, if 2 or more proposals are within 2 rating points of each other and/or there is committee consensus that 2 or more applicants are being closely considered for the award evaluate criteria 7 as described above.
- After determining successful applicants for all Items, review all proposed awards together to determine if one or more successful applicants have been awarded too many items per their application, which may specify award priorities.
- Finalize the successful applicant list for each award item (format attached below), including number of service days to be permitted, and submit proposal to IOGLB for final license approval.

ITEM EVALUATION FORM

Item:	
Item Description:	
Applicant Name:	
Allowable Service Days:	
Service Days Requested:	
Committee Member:	

The evaluation process will use a 10 point system (10 being the best, and 1 the worst) to evaluate each Item using the first six selection and award items listed on pages 9 and 10 of the prospectus. Determine a rating, from 1 to 10, for each of the following criteria:

1. Financial Ability	Rating:
Notes:	

2. Outfitting And/Or Vendor Experience	Rating:
Notes:	

3. Quality Of Public Service	Rating:
Notes: This criteria encompasses the evaluation of the proposed operating plan	

4. Marketing Ability	Rating:
Notes:	

5. Availability Of Equipment And Facilities	Rating:
Notes:	

6. Optional	Rating:
Notes:	

7. Optional and as needed (Fee Criteria)	Rating:
Notes:	

Item Rating	Rating:
Notes:	

Overall Group Rating	Rating:
Notes:	

Successful Applicant List

Item Number	Item Description	Successful Applicant	Service Day Award
Item 1			
Item 2			
Item 3			
Item 4			

Notes:

[illegible]